

IDAHO BOARD OF COSMETOLOGY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 11/13/2017

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BOARD MEMBERS PRESENT: Debra J Thompson - Chair
Merrilyn Cleland
Geneal Thompson
Linda Swope
Lindy High

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Roger Hales, Naylor & Hales
Joan Callahan, Legal Counsel
Kim Aksamit, Technical Records Specialist II
Allegra Earl, Technical Records Specialist I

OTHERS PRESENT: Amber Rhines-Wallin, Rhonda Clark,
LaDonn Goodfellow, Joani Huff, Don
Ostermiller, Marti Hutchins, Phil Haunschild,
Barb DeHann, Young Lim, Shelby Bills, Tina
Coleman, Heather Harris, Phoebe Greene,
Sandy Jackson, Thomas Grimsman

The meeting was called to order at 1:00 PM MST by Debra J Thompson.

PROPOSED LEGISLATION

Ms. D. Thompson opened the meeting by reminding the Board that the focus of the meeting was to review the comments that had been received on the joint legislative proposal, discuss some of the big issues, and finalize the proposal for the 2018 Legislative Session. She asked Mr. Hales and Ms. Callahan to walk the Board through the issues and the comments received.

NEW BUSINESS

REVIEW COMMENTS ON PROPOSED LEGISLATION

Ms. Callahan started with the related issues of makeup artistry and out-of-establishment practice. She reminded the Board that the issue of makeup artistry was one of the issues that arose during the 2017 legislative session and that the Board had authorized a subcommittee to work on these two related issues. The first proposal from the subcommittee included creating a category for makeup artists that proposed a range of hours and was undecided whether it should be a license, registration, or certificate. After further study, the proposal was specified to a license requiring 200 hours of instruction in total that was divided into 100 hours of makeup artistry and 100 hours of infection control. The proposal also allowed the Board to set by board rule the instruction, training, experience or other qualifications that could be credited toward the total hours of training to recognize the variety of training available in this field that an applicant might have that would be sufficient to learn the necessary skills to safely practice.

There was significant comment regarding the proposal for a makeup artistry license during the last Board meeting and in particular about the number of hours and splitting the hours into different areas of instruction. Additionally after the Board sent out its letter requesting comment on the joint legislative proposal, the Board received 90 comments in total specific to makeup artistry, of which 77 comments were in support of having a makeup artistry license. Six of those comments specifically supported 200 hours of instruction, and six specifically supported 100 hours of instruction. Thirteen comments were opposed to a separate license for makeup artistry. One commenter's support was dependent on the curriculum and one commenter agreed with the application of makeup but not cleansing the skin beyond using facial wipes.

There were three groups that commented who were involved when this issue came up during the 2017 legislative session. One was M&M Makeup Artistry ("M&M"), which was particularly concerned that the proposal should allow a range of training options. Ms. Callahan noted that the proposal did address that concern and allowed for options beyond an established school curriculum and that M&M's comment could reflect a need for further clarity in the proposed language. The second organization identified was the Idaho Freedom Foundation ("IFF"). IFF supported fewer than 200 hours of training. They were concerned with requiring hours of practice beyond safety and sanitation, but supported accepting a variety of training options and the ability for people to demonstrate competency in the area. IFF also represented that no other state had a stand-alone makeup artistry license. The third group was the Northwest Career Colleges Federation, which also highlighted the variety of training options and different ways to demonstrate competency in makeup artistry. Their letter stated that no other state has a stand-alone makeup artist license. Ms. Callahan noted that Nevada has a makeup artist permit, which appeared to be limited to

theatrical makeup, and that Louisiana previously had a separate permit for makeup artistry requiring 40 hours of training but discontinued it last year because they felt that 40 hours was not enough training to safely practice.

Ms. G. Thompson asked if IFF was questioning requiring any hours of training. Ms. Callahan replied that they questioned the 100 hours of training in the practice of makeup artistry, and clarified by reading that part of their comments, which said:

Regarding Makeup Artists

- The Board's duty is to protect the "public health and safety."

Whatever decision is made to allow makeup artists to begin operating in the state this should be the goal protecting the public health and safety. The 200 hours of education for makeup artists under the current bill goes far beyond this, especially with half of that required to be in style and not sanitation. There is no reason to require that all makeup artists pay to take an additional 100 hour course in application that has no bearing on safety and sanitation.

- This license will be different than every other license managed by the board in terms of curriculum as it will be left up to the board to determine by rule what they will and will not accept. This could easily turn into an inefficient process as the board must determine for each applicant what is and is not acceptable in terms of licensure.

The subcommittee co-chairs have been looking at the curriculum from Milady for makeup artistry. The training that the subcommittee has been looking at is a three-week course of 112.5 hours, and Ms. Callahan distributed the Milady syllabus for the course. Given this information and additional work, the subcommittee co-chairs proposed a change to the proposal to shift from a license to a certification and require at least 100 hours of training including safety and infection control, which would align with the Milady curriculum. The proposal would also allow the Board to set by board rule the nature of the instruction, training, experience, or other qualification in the practice of makeup artistry that may be credited toward the total hours of instruction required. Changes to the legislative language also attempt to emphasize the range of options of training, education, and experience that could go toward qualifying for this certification and this seems to align with points that M&M and Northwest Career College Federation were emphasizing about the variety of training available for makeup artistry.

Ms. Swope asked whether the reason applicants would not be tested is because it was not a license but a certificate. Ms. D. Thompson said yes, and Ms. Callahan also noted that the proposal does not mandate that they go to a licensed school. Ms. Swope asked for clarification on whether they would then get their testing at a retail cosmetics dealer. Ms. Callahan explained that it was

one of the options that the subcommittee considered, and the co-chairs were able to review the MAC Cosmetic curriculum and procedures. Ms. Cleland reviewed the MAC curriculum with the Board, which generally aligned with the Milady curriculum. She noted that safety and sanitation is wrapped into the full MAC training that an employee receives and MAC also goes in depth into the tools they use. Ms. Callahan said that the information received about MAC training was that the employee receives an initial 40 hours of training and then is practicing the procedures on a daily basis. Within the first year, an employee would receive approximately 40 hours of training in addition to the initial training and practice. Therefore, the subcommittee considered the option that a combination of the initial training and practice could ensure the person has not only learned the proper procedure, but also repeatedly practiced those procedures on a daily basis under the employer's supervision.

Ms. G. Thompson asked if the certification would be renewed every year in the same manner as licenses. Ms. Callahan said the proposal treats renewal in the same manner as licensure: certifications would be renewed annually and certificate holders would also verify that they had reviewed the Board's laws and rules on safety and sanitation.

The Board Chair opened it for public comment by the audience. Ms. A. Rhines-Wallin commented that she was licensed in California in 1987. She is a master esthetician and an instructor at the Aveda Institute. She sees makeup as a part of esthetics. She stated she was also very concerned that eyelash extensions and tinting, and working with chemicals around the eyes, should be part of esthetics. She reviewed the esthetics curriculum from the esthetics Milady textbook and noted that the basics include learning about ingredients, skin analysis, and skin disorders and diseases. She was also concerned about the burden on instructors and schools to break down the esthetics curriculum just for makeup artistry. She does not feel that makeup artistry should be a separate license and should remain a part of esthetics. She felt that makeup artists need to get the basics of esthetics first and then specialize in makeup for their practice.

Ms. Cleland clarified that Milady also has a stand-alone course on makeup artistry, meaning that the curriculum is already broken down to teach makeup artistry. Therefore, the schools would not be responsible for trying to create the curriculum.

Ms. A. Rhines-Wallin also expressed concern about makeup artists being sufficiently trained to be able to recognize different skin infections. Ms. Cleland stated that is a concern of the Board as well.

Ms. S. Bills asked about licensure versus certification, and whether makeup artists would be considered professionals. Ms. Callahan explained that the charge of the Board is protecting the public health, safety and welfare. The Board carries out this charge in part by ensuring minimum competency, which

includes training in safety and infection control practices, before issuing licenses, and under the current proposal the Board would issue a certification. Whether people are viewed as a “professional” is not part of the work of the Board in regulating the profession. Under this proposal, a person with a certification would have authorization to practice makeup artistry as defined in the Board’s laws and rules and would have to follow the laws and rules.

Ms. S. Bills voiced concern that under the proposal, once someone was certified, they could work outside of the licensed establishment but that someone who is licensed would only be able to work in a licensed salon. Ms. Callahan explained the proposed legislation also allows licensed individuals to perform certain services outside an establishment and that they would be required to follow the safety and disinfection rules.

Ms. S. Bills emphasized her support for keeping these proposals together to make sure the licensees could do the same work as a certification holder.

Ms. Bills then asked how the Board would verify that individuals have the necessary training and whether they would be required to take an exam or test.

Ms. Callahan stated that under the current proposal the makeup artists will not be required to take an exam. They will have to submit proof of their training. The Board’s rules would define the nature of training that could be accepted toward the needed hours. The Board would also have the flexibility to require the person get additional hours in an area, such as in infection control, in the event that the person’s training was not sufficient in that area.

Ms. Bills voiced her concern about the ability to verify the adequacy of the training and that these individuals have the basics, and requested that an exam or test be added as a requirement before granting a certificate. Ms. D. Thompson noted that the absence of a test is one reason the proposal is for a certification and not a license.

Ms. Cory noted that any applicant must provide documents regarding their training and that the burden is on the applicant to prove their qualifications. This proposal gives them credit for what they have done and allows additional training if needed.

Mr. Hales stated that the Board is setting forth basic standards and an equal footing for all applicants. The applicant must show the Board their training and competency. The Board wants to be flexible to allow anyone to come forward with their training. The Board will establish by rule the type of instruction that will satisfy the qualifications for certification. This will allow those with no training to obtain that training, and allow people who already have some type of training to submit that to the Board and have that compared against the set standard.

Ms. J. Huff asked why it is a certification and not a license, and was concerned that it does not hold makeup artists to the same standard as licensees.

Ms. Swope agreed with Ms. Huff and was concerned about issuing certifications rather than a license. She was also concerned about the ability to standardize the education of individuals. Ms. Swope stated she was opposed to certification.

Ms. Cleland proposed that the Board take out the proposals for makeup artistry and lower school hours from the proposed legislation because it did not appear there is agreement on those issues.

Ms. Cory explained that this was an issue that arose in the Legislature last year, and the legislators created an exemption for event styling. After House Bill 139 was vetoed, the Board created subcommittees to look at approaches to address those issues raised after the Board submitted its bill in November 2016. Ms. Cory noted that the Legislature is concerned with barriers to employment and the ability for people to work. She noted that the discussion at the last two Board meetings has been about either a certification or a license with a curriculum that the schools can look at and work on. And to Ms. Cleland's point, the Board could separate this proposal out into a separate bill and talk about what it would look like. She noted it would be helpful to have something with everyone's input for the Legislature to look at.

Ms. D. Thompson expressed concern that if the proposals were all in a single bill and there was opposition to one part, then the entire legislative proposal could be pulled.

Ms. G. Thompson expressed concern with the barrier to the licensees to work outside a licensed establishment and that it was important to take that barrier away. She wanted to ensure it was included in the bill and that this would allow licensees to help fill the needs of the customers.

Ms. D. Thompson felt they had gotten a good number of comments. She agreed with the concerns about making this a certification but noted the problem that there was no testing available that would make her comfortable with making it a license. She reiterated her opinion that a license should require a test.

Ms. R. Clark stated that she was on the subcommittees and been at every meeting. Ms. Clark's feeling was that a 600 hour course for an esthetics license is not too long to attend school. She was concerned that this proposal was to pacify a handful of people who had been practicing but did not want to go to school for an esthetics license. Her opinion was those individuals should meet the same standards as a licensee.

Ms. Swope asked what brought this issue up. Ms. Cory summarized that last year the Board sent a proposal to combine the Boards, to allow for cross-over

hours between barber and cosmetology instruction, and to allow more flexibility for practice outside of an establishment. That bill did not receive a hearing, and legislators put forth their own bill. The legislators added some exemptions including event styling and thermal styling. These exemptions were based on issues brought to them by constituents, which included individuals who felt they were qualified to practice makeup artistry based on their prior training and experience, and the legislators felt there were some barriers to employment for some of these constituents. The legislation passed in the Senate and the House, and was vetoed by the Governor. At the Board's June meeting, the Board recognized that the legislators had concerns on these issues and formed subcommittees to work with everyone on these issues to see if there was an approach that would protect the public without unnecessary barriers to employment. She noted that the legislators have discretion to run their own bill again next year.

Ms. T. Coleman said that she thinks this is just a band aid or a crutch and did not feel that 100 hours will be enough to teach them sanitation and health concerns. She felt makeup artists need to be licensed as a cosmetologist or esthetician, and that licensed individuals should be able to work at different sites.

Ms. H. Harris, an instructor at Idaho State University and a practitioner, raised concerns about schools' ability to provide curriculum and that there would not be sufficient instructors or students to make training financially viable. She also raised concerns about the Board's ability to inspect makeup artists, particularly when these individuals would not have been tested.

Ms. High noted that 71 people commented in favor of a 200 hour program and questioned the difference in between the current testimony and the comments received.

Ms. T. Coleman's opinion was that there was not enough of the actual details for the commenters to understand what is going on. She restated that this seemed to be a band aid or blanket to ignore the problem and felt it was not enough to regulate these people.

Ms. P. Greene from Idaho State University stated her concerns that federal funding for a makeup artist program would be a problem and did not think it would meet NACCAS guidelines. She felt that schools would not be able to teach makeup artistry and therefore questioned who would be providing the education if it was not a subject available at schools.

The next issue discussed was the exemption related to theatrical makeup. Mr. Hales reviewed the current proposal, which exempts "Persons employed or contracted to perform barber-styling or cosmetology services in the course of and incidental to the production of a theatrical or other visual arts production including, but not limited to, stage productions, television and motion pictures."

This was proposed by the Board in last year's bill. This proposal was made before subcommittees were formed on the issues of makeup artistry and expanding practice outside of a licensed establishment, which are in the current legislative proposal. Currently, an esthetician or cosmetologist can perform this type of service, but are limited in their ability to perform this service outside of their establishment for compensation.

Mr. Hales noted that this exemption was intended to facilitate practice in a specific industry, and other states also have this exemption. The understanding is that a lot of the individuals performing these services related to theatrical and visual arts are employed by the production company that comes into the state. The justification behind this proposal is that they are not practicing on the general public and are limited to this specific circumstance and industry.

The Board received some comments specific to this proposal. In particular, a comment from the Idaho Freedom Foundation questioned the necessity of this based upon the Board's proposals for makeup artistry and out-of-establishment practice. Mr. Hales read that portion of the Idaho Freedom Foundation's comment, as follows:

"If we are creating a new set of licenses for Makeup Artists and allowing Cosmetologists to work outside of their licensed facilities, why is it necessary to then create an exemption for theatrical application of makeup? This shows the inconsistency in creating this whole new license for makeup artists. Is there any substantial difference in the sanitation risks between a makeup artist working with a bride on her wedding day and an actress before her performance at a theater?"

Mr. Hales also noted that a couple of other comments also specifically questioned the potential public safety and sanitation issues with not requiring a license for this work. Out of the comments specific to this exemption, 32 comments were in favor of the exemption and 26 were against it.

Ms. R. Clark expressed her feeling that the need for the exemption may be resolved by allowing licensees to practice outside of an establishment.

Ms. T. Coleman felt that licensed individuals needed to perform this work because in her experience with students in a theatrical production, she saw makeup brushes and implements being shared.

Ms. H. Harris said that the current permit allows this type of practice, and the only drawback is the inability to charge, which is being changed under the Board's proposal.

Ms. S. Bills asked if there was a way for the proposal to read in such a way that it exempts those from out-of-state who are employed by the production company to be exempt but people hired from in-state would need to hold an Idaho license to work.

Mr. Hales said that there are different types of production companies with different scenarios in which this exemption might apply. It was noted that a comment was submitted by a person working for Opera Idaho. Ms. Callahan read the comment from Danyale Cook with Opera Idaho. In her comment she said:

Exempting persons who are only performing services for theatrical or visual arts productions from licensing requirements. NO. I have been a hair and makeup artist in the entertainment industry for 21 years. I prefer to hire people who have had sanitation education and are licensed. I have overseen crews of up to 18 hair and makeup artists with a cast list of over 350. If one person has lice, pink eye, cold sores etc. the entire cast is at risk. Performers should have the same sanitary conditions given to the general public. I like the idea of 100 hours of sanitation education. I would like each and every makeup artist to have that education background. I think it is essential. There should be a stipulation that if you are not a licensed cosmetologist you cannot do hair on set or in the theatre (this excludes wigs). I have given haircuts, colors, perms on set and in the theatre. I have used hot tools that have potential to badly burn the skin and hair if not used correctly. In the hands of an uneducated and unlicensed person this could be disastrous. In IATSE Local 706 (LA) you cannot be a union member for hair unless you have a license. Granted Boise and LA are very different markets but the performers should have the same level of safety no matter where they are working. I frequently work with performers from around the world and they all have horror stories about improper sanitation or hair dressing gone wrong. If you work with people there should be a mandatory regulation on sanitation education. Period. I run the hair and makeup department for Opera Idaho. I also hire assistance for a variety of hair and makeup work. I would be happy to require 100 hours of sanitation education from the people I hire. Currently my crew list includes: 3 licensed cosmetologists, 1 makeup artist who worked for Estee Lauder at the mall and took their sanitation education, 2 make artists that are freelance.

Ms. High asked about whether a movie crew making a movie in Idaho brings in their own makeup people and whether those people had to be licensed in Idaho. Mr. Hales said that under the current law if they wanted to practice in Idaho they need to have a license in Idaho.

There was some discussion about making the exemption applicable to individuals licensed in another state. The Board reviewed a similar exemption under the law governing physical therapists, which conditions the exemption on a license in good standing from another jurisdiction.

The next issue discussed was regarding registration of retail thermal styling equipment dealers. The Board's proposal was modeled after the current retail cosmetics dealer license. Ms. Callahan reviewed the issue and the proposal. The Board received 50 comments in support of a registration and 11 against the proposal. Two of the comments against the proposal did not think that any kind of license or registration to demonstrate these products was necessary.

Ms. G. Thompson said this topic came about because someone from the mall came regarding dealers using kiosks in the mall and the dealers wanting to demonstrate the product on potential customers. She noted that the inspectors are out at the mall inspecting licensed establishments and will be able to inspect these kiosks to make sure they are following safety and disinfection rules. She also noted that the burden will be on the employer to train employees on proper safety and disinfection practices.

Ms. S. Bills stated that she would only be in favor of this registration if it was limited to cosmetology shops or licensed professionals. Mr. Hales explained that the proposal was not specific to kiosks in the malls and that employees of licensed establishments can demonstrate these products.

Ms. Cleland pointed out that no exemption is needed for cosmetologists and this exemption is only allowing employees of the equipment dealers to also demonstrate the equipment.

Ms. R. Clark stated that these companies should hire licensed cosmetologists or otherwise use a mannequin head.

Ms. Cory explained that they can currently demonstrate on a mannequin but that the equipment dealers feel that customers would like a feel for the product before purchasing and that they were interested in doing that in a way that was within the law and that was safe for the public.

Ms. High stated her agreement that a potential customer would want to see how it worked on his or her own hair.

The next topic discussed was regarding school hours. Ms. Callahan reminded the Board that this issue was brought up to legislators by their constituents, and the legislators' bill lowered the required school hours for a cosmetology license to 1,600 hours. At the Board's August meeting, the subcommittee co-chairs proposed 1,800 hours for a cosmetology license as a starting point to get further comment. After sending out the letter to all licensees, 189 comments were

received on this issue. Ms. Callahan informed the Board that approximately 63 percent of the comments were in favor of keeping 2,000 hours, and approximately 37 percent of comments were supportive of less than 2,000 hours. Of the 37 percent in favor of less than 2,000 hours, approximately 3 percent were for lowering the hours but did not specify an amount of hours; approximately 19 percent of the comments supported no less than 1,800 hours; approximately 1 percent generally supported less than 1,800 hours; and approximately 14 percent of the comments were in favor of 1,600 hours or less.

Ms. Callahan stated that the Northwest Career Colleges Federation submitted a chart that showed the different hours for each state. Northwest Career Colleges Federation represented that “[c]urrently, there are 35 states that require 1,500 hours or less for the same license” and there are two states with pending legislation to reduce their hours to 1,500 hours, which would bring the number of states requiring 1,500 hours or less to 37 states.

Ms. Callahan also read from the comment received from the Idaho Freedom Foundation, as follows:

By requiring 1800 hours for a cosmetology license Idaho will remain one of the most restrictive states in the entire country. There is no good reason to maintain such a restrictive requirement- all the research points out that placing this higher barrier simply saddles students with more debt, increases the total cost to students in both time and dollars, does not improve the student outcomes, and may not even increase the health and safety outcomes- I have included a report by the American Institutes for Research which details this information (see Exhibits 30 &32 in the document).

Ms. Callahan noted that the report was provided to the Board with the comments.

Ms. Callahan also stated that within the comments received, there were multiple business and salon owners that wanted the hours to remain at 2,000 hours because they felt that even at 2,000 hours they had to spend 100-200 hours training newly licensed individuals before allowing them to work on customers. She also noted that the Board received comments from students and recently graduated cosmetologists some of which stated that they felt ready at less than 2,000 hours and others of which stated that they barely felt ready with 2,000 hours.

There were also commenters who wanted to keep 2,000 hours to ensure their ability to get a license in other states with lower hours. One commenter stated that she had difficulty getting a license in Idaho because she came from a state with lower school hours and had to back to school to get additional hours to get licensed in Idaho.

Ms. Callahan reminded the Board that part of the proposal from the school hours subcommittee was for a limited scope hair design license for services related to hair, including chemicals, but not including esthetics or nails. The hair design license was proposed at 1,400 hours. Part of the subcommittee's reason for proposing this license was to assist with the endorsement scenario for out-of-state licensees with fewer instructional hours. Ms. Callahan summarized that the Board received 106 comments specific to the hair design license proposal. Of those comments, 85 were in support of a hair design license. Of the comments in support, 16 comments specifically supported more than 1,400 hours and two comments wanted less than 1,400 hours. Of the total comments received, 21 comments did not support the creation of a hair design license. One of those comments was only supportive of the hair design license if the hours for a cosmetologist remained at 2,000 hours.

Mr. Hales said that along with the reduction of school hours, the Board also proposed to reduce the amount of training hours required for electrology from 800 to 600 hours. He noted that Board initially proposed the reduction last year. Mr. Hales reviewed the comments on the electrology issue, which were relatively evenly split, with 26 in support of the reduction and 20 not in support of the reduction. He stated he had worked with Ms. G. Thompson on this issue last year.

Ms. G. Thompson talked about how the reduction in hours came about. She noted that currently there are no electrology schools here in Idaho, and the surrounding states require anywhere from 400-600 hours. However, Idaho requires 800 hours for an electrology license, which prevents individuals just starting in electrology to get a license in Idaho and practice electrology. She also stated that as an electrologist she feels 600 hours is adequate but that 400 hours is not enough to gain minimum competency.

Ms. H. Harris said that because Idaho does not have a school to teach electrology she felt the hours need to be lowered to allow students to go to another state and get training and then move home and get a license.

Ms. R. Clark voiced her support for the limited hair design license if cosmetology programs stayed at 2,000 hours.

Ms. S. Jackson voiced her concern that the field of cosmetology keeps expanding to include items such as hair extensions and eyelash extensions. In her opinion lowering the hours would eliminate a lot of training and that schools would not be able to put out quality students.

Ms. Cory noted that both the Board's bill and the legislators' bill only set a minimum number of hours and allowed schools to choose how many hours they want to teach above that amount.

Ms. DeHann also said that it is not mandatory for schools to reduce their hours and that schools could choose how many hours they want to teach.

Ms. Huff said that choosing to teach fewer hours is not always an option. She noted that she lives 50-60 miles out of Boise and she is not always able to hire from the best schools and that the 2,000 hour students need to still be taught. She noted that although some schools may have a student at 1,600 hours that is ready to go there are some students that will struggle at 2,000 hours.

Ms. R. Clark stated that she had a student who had attended a California school and got licensed. When he moved to Idaho he attended her school in Idaho for 400 hours to get licensed here, but that he chose to go back for the full 2,000 hours even though he had a California license. She said he was glad he attended for the full 2,000 hours.

Mr. P. Haunschild of the Idaho Freedom Foundation addressed the Board. He said that it is important to think of the student and that the Board is here for the health and safety. He said that the student who can learn in 1,600 hours is being penalized if the hours are kept at 2,000 hours because other students need 2,000 hours of instruction, and that it should be the student's choice. It was also his understanding that in any profession a person needs remedial training and that there are some things that can only be learned working in practice and not in a school.

Ms. Cleland noted that in reading the report from the American Institutes for Research that was provided by the Idaho Freedom Foundation it appeared that the default rate for paying back student loans on 1,500 hour courses was higher than the default rate for 2,000 hour courses. She also raised the question of whether continuing education is required for a program of 1,500 hours.

Ms. High said she was surprised by the large number of commenters supporting 2,000 hours. She also noted that she had heard that no one comes out of school prepared and generally wondered what is what happening with those people who get haircuts by those who were taught 1,500 hours.

Ms. T. Coleman supported lowering the hours if continuing education was required.

Ms. S. Bills requested that the Board think about requiring students to work in an externship in a shop before getting a license.

Ms. Swope indicated her appreciation for the audience's passion for the industry but felt the discussion was off the subject. She noted that the Board cannot guarantee a student's success and that there has been a change in the type of students attending schools. She also noted that larger trends indicate support for lowering hours for a cosmetology license, and therefore the Board has been

working in good faith on the hours issue and that this issue is not just a Board issue but also a policy issue for the legislature.

There was some discussion about work permits that allowed a student to work while waiting to test and the history on the subject. It was indicated work permits existed at a time when the test was only given periodically.

Having reviewed and considered the written comments and having given everyone in the audience the opportunity to comment, Ms. D. Thompson requested that Board briefly review the issues and discuss what the Board wanted to keep and what the Board may want to change. Mr. Hales was asked to walk the Board through the proposed legislation to identify the issues and facilitate the Board's discussion to finalize the legislative proposal.

Mr. Hales noted for the Board that one item in the proposal that was carried through from last year's proposal to the current proposal, which received a few comments, was regarding eyelash extensions. The proposals clarify that performing eyelash extensions is within the scope of the cosmetology and esthetics. Mr. Hales reminded the Board that for many years the Board had considered that eyelash extensions fell within the scope of practice for a cosmetologist and required a license. However after the North Carolina case and based on legal advice, the Board pulled back from enforcing that position until the law could be clarified. The Board has taken this opportunity to clarify that position and clearly identify that eyelash extensions, perming and tinting are within the scope of practice for a cosmetologist or an esthetician. This was also included in H139 from last year. However, there is some concern that some individuals who do not have a license have been performing eyelash extensions and that this clarification will require them to obtain a license to continue this practice. It was noted that this is a public health issue and there have been complaints about the chemicals being used close to the eye and other safety and infection concerns. Mr. Hales stated that a lot of other states have dealt with this issue and Utah in particular had cited 67 people and found serious issues. Mr. Hales had reviewed the surveys and noted that eyelash extensions are regulated in all but approximately five states. The Board decided to move forward on this issue as drafted in the current proposal.

The Board discussed moving forward with the proposals for: a hair design license with a 1,400 hour course of instruction; allowing licensees to practice certain services outside of a licensed establishment; a registration for retail thermal styling equipment dealers to demonstrate on the public; an exemption for people licensed in good standing in another state or jurisdiction to practice cosmetology or barber-styling incidental to theatrical and visual arts productions; clarifying that eyelash extensions are within the scope of cosmetology and esthetics; allowing the Board to determine the number of cross-over hours that can be counted toward cosmetology and barber-stylist licenses; and reducing the number of years of practice to qualify for licensure by endorsement. The discussion also

included having the main proposal stay at a minimum of 2,000 instructional hours for a cosmetology license but also offer two trailer bills with minimums of 1,600 hours and 1,800 hours. The Board also discussed removing the makeup artistry proposal from the main proposal and submitting a separate bill proposing a makeup artistry license requiring 200 hours, including safety and infection, and allowing the Board the flexibility to consider the nature of the training, experience, and instruction that can be counted toward the 200 hours.

Ms. High made a motion to approve the proposal as outlined in the last discussion. It was seconded by Ms. Cleland. Motion carried.

Ms. G. Thompson made a motion to include in the makeup artist proposal allowing some of the instructional hours for a makeup artist license to be applied toward an esthetics license. It was seconded by Ms. Cleland. Motion carried.

EXECUTIVE SESSION

Ms. Cleland made a motion that the Board go into executive session under Idaho Code § 74-206(1) (d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Swope. The vote was: Ms. D. Thompson, aye; Ms. Cleland, aye; Ms. Swope, aye; Ms. G. Thompson, aye; and Ms. High, aye. Motion carried.

Ms. G. Thompson made a motion to come out of executive session. It was seconded by Ms. Swope. The vote was: Ms. D. Thompson, aye; Ms. Cleland, aye; Ms. Swope, aye; Ms. G. Thompson, aye; and Ms. High, aye. Motion carried.

APPLICATIONS

Ms. Cleland made a motion to accept the applications for Lettie Renak and Leslie Brewer and issue licenses. It was seconded by Ms. High. Motion carried.

Ms. Swope made a motion to have Connie Thomsen take the full examination and issue a license once the examination has been successfully passed. It was seconded by Ms. Cleland. Motion carried.

Ms. Swope made a motion to accept the application for Katherine Kropp and issue a license. It was seconded by Ms. G. Thompson. Motion carried.

Ms. Swope made a motion to accept the application from Hyejeong Choe and issue a license. It was seconded by Ms. Cleland. Motion carried.

Ms. G. Thompson made a motion to accept the application for Yueer Huang and issue a license. It was seconded by Ms. Cleland. Motion carried.

Ms. Cleland made a motion to deny the reconsideration for applicant 901129014. It was seconded by Ms. Swope. Motion carried.

Ms. Cleland made a motion to approve the application from The Lip Bar LLC pending receipt of primary license application and review by the Board Chair. It was seconded by Ms. Swope. Motion carried.

Ms. G. Thompson made a motion to accept the 12 college credits in lieu of exam for Linda Kiehner and issue a license. It was seconded by Ms. Swope. Motion carried.

APPRENTICESHIP

Ms. Cleland made a motion to accept the apprentice application for Tam Potthoff. It was seconded by Ms. High. Motion carried.

CORRESPONDENCE

The Board reviewed a follow-up letter from DL Roope Administration regarding the amount of questions on the NIC Haircutters exam. Ms. Swope made a motion to accept the suggestion of 50 questions. It was seconded by Ms. High. Motion carried.

NEXT MEETING was scheduled for February 5, 2018 at 8:30 AM MST.

ADJOURNMENT

Ms. G. Thompson made a motion to adjourn the meeting at 5:43 PM MST. It was seconded by Ms. Cleland. Motion carried.

Debra J Thompson, Chair

Merrilyn Cleland

Geneal Thompson

Linda Swope

Lindy High

Tana Cory, Bureau Chief